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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91163556
Party	Plaintiff TARGET BRANDS, INC. ,
Correspondence Address	Vanessa A. Ignacio, Esq. Lowenstein Sandler PC 65 Livingston Avenue Roseland, NJ 07068-1791 UNITED STATES lstrademark@lowenstein.com
Submission	Opposition/Response to Motion
Filer's Name	Michael A. Norwick
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Date	10/17/2005
Attachments	TargetOPPtomotion to strike.PDF (4 pages)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Opposition of Application Serial No. 78/170,846

Target Brands, Inc. ,

Opposer,

v.

Shaun N.G. Hughes,

Applicant.

Opposition No. 91163556

OPPOSER'S OPPOSITION TO APPLICANT'S MOTION TO STRIKE AND CROSS-MOTION FOR ACCEPTANCE OF THE 9/28/05 DECLARATION OF STEPHEN C. LEE, ESQ. OUT-OF-TIME.

As the Board is aware, in cross-motions currently pending, Opposer Target Brands ("Target Brands") seeks access to the Applicant's confidential information for specifically named in-house attorneys, including the attorney who had previously been principally responsible for this matter, Ms. Toni Dembski-Brandl, Esq. When Target Brands' outside counsel learned that this matter had been reassigned to another in-house attorney, Target Brands acted promptly to file a declaration of the new in-house attorney, Stephen C. Lee, Esq., dated 9/28/05, to advise the Board of this change, which altered both the facts previously submitted to the Board and, necessarily, the relief that Target Brands was seeking. To *not* advise the Board and the Applicant's counsel of this change would have been misleading, and could have resulted in the wrong in-house attorney(s) being granted access to the Applicant's documents.

In the Applicant's logically inconsistent motion to strike the Lee Declaration, he complains both that the declaration repeats previously submitted facts, but omits certain other facts, namely the nature of Ms. Dembski-Brandl's job change. While the Applicant speculates that Ms. Dembski-Brandl "ha[s] moved to a management position" and that such information is

relevant, as set forth in the attached Supplemental Declaration of Stephen C. Lee, Esq., the Applicant's speculation is unfounded. Ms. Dembski-Brandl remains Senior Counsel for Target Brands, but "her focus will now be solely on international trade and customs matters and not intellectual property." Supp. Lee Decl. ¶ 2.

Notwithstanding the Applicant's accusation that the 9/28/05 Lee Declaration "goes far beyond the transmission of the . . . information" about Ms. Dembski-Brandl's job change, the declaration provided only so much detail as was necessary to make clear what had changed and what had not changed. Given the Applicant's unwarranted charge that information was omitted from the 9/28/05 Lee Declaration, it does not take much imagination to envision the allegations of misinformation from the Applicant that would have followed a more bare-bones report of the change in job responsibilities.

Under all of the circumstances, the Applicant respectfully requests that the Applicant's motion to strike be denied. To the extent the Board deems the submission of the 9/28/05 Lee Declaration to be untimely, Target Brands respectfully submits that the unusual circumstances presented here warrant the Board granting Opposer's cross-motion to accept the 9/28/05 Lee Declaration out-of-time.

Respectfully submitted,

By: LOWENSTEIN SANDLER PC
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Roseland, New Jersey 07068
(973) 597-2500

ATTORNEYS FOR TARGET BRANDS,
INC.

By: Michael A. Norwick/
Michael A. Norwick, Esq.

Dated: October 17, 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Opposition of Application Serial No. 78/170,846

Target Brands, Inc. ,

Opposer,

v.

Shaun N.G. Hughes,

Applicant.

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**DECLARATION OF
STEPHEN C. LEE, ESQ. IN
OPPOSITION TO APPLICANT'S
MOTION TO STRIKE**

STEPHEN C. LEE, ESQ. declares as follows:

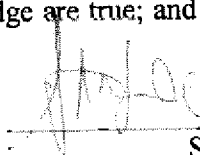
1. I am Senior Intellectual Property Counsel for the Opposer, Target Brands, Inc. ("Target Brands"), and am the in-house attorney principally responsible for this matter. I submit this declaration in response to the Applicant's motion to strike my September 28, 2005 declaration.

2. In his motion, the Applicant states that I omitted "key information as to whether Ms. [Toni] Dembski-Brandl," the prior attorney assigned to this matter, "had moved to a management position Target." I did not include extensive information on Ms. Dembski-Brandl's new position at Target Brands because it was and is irrelevant to the applications currently pending before the Board. Nevertheless, in response to the Applicant's rank speculation, Ms. Dembski-Brandl did not move into a management position, and continues to hold the title of Senior Counsel for Target Brands. It is the focus of Ms. Dembski-Brandl's practice as in-house counsel that has changed: her focus will now be solely on international trade and customs matters and not intellectual property.

3. Thus, Ms. Dembski-Brandl's role at Target Brands continues to be, as it was previously, as in-house counsel, and she continues to not be involved in marketing, pricing, product development, design, or any other type of competitive decision-making.

DECLARATION

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.



Stephen C. Lee

Dated: 10/11/25